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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 June 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3,5-10 and 15-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1,3,5-10 and 15-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1, 3, 5-10, and 15-19 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ellis et al. "Ellis" (USPN 6,898,762) [of record] in view of Jeffers et al. "Jeffers"

(USPN 5,036,537) [of record] and further in view of Kahn (USPN 5,978,649) [of record].

Regarding Claim 1, Ellis discloses an information processing apparatus (22 –

figure 2a) comprising:

acquisition means (28 – figure 3) for acquiring data of an electronic program

guide (Col. 7, lines 50-55; Col. 11, lines 3-13);

electronic program guide display controlling means (42 – figure 4) for controlling

display of said electronic program guide based on data of said electronic program guide

acquired by said acquisition means (Col. 9, lines 18-23 & 40-46);

selection means (46 – figure 4) for selecting a preset program based on said

electronic program guide controlled as to display by said electronic program guide

display controlling means (Col. 9, lines 56-66; Col. 10, lines 40-50; Col. 11, lines 19-25).

However, Ellis fails to disclose verifying means for verifying whether a program

selected is receivable and wherein the verifying means verifies the program selected by

the user is receivable based on the broadcast territory, and output information

controlling means for controlling the information output.

In an analogous art, Jeffers discloses an information processing apparatus

(receiver unit – figure 6) comprising: verifying means (22 – figure 6) for verifying

whether or not said program selected by said selecting means (16 – figure 6) is a

program of a channel that is receivable (Col. 12, lines 11-54; Col. 7, lines 30-57). Jeffers

teaches microcontroller verifies whether a channel selected is receivable by comparing

the received blackout tier indication assigned to the selected program to the blackout

tier indication stored in memory 24.

Jeffers further discloses wherein the verifying whether or not said program

selected by said selecting means is a program of a channel that is receivable (Col. 12,

lines 11-54; Col. 7, lines 30-57), comprises checking whether the selected channel is

already set as a channel of reception (i.e., the program's authorization code matches

the authorization code stored in memory 24; [Col. 9, lines 15-26; Col. 10, lines 40-46;

and Col. 12, lines 11-54]) and then comparing a user set territory of residence (i.e.,

designation code stored in memory 24) to a broadcast territory where the user is

residing (i.e., designation code associated with the received channel) (Col. 7, lines 30-

58), and then verifying whether or not the selected channel is receivable based on the checking and comparing steps (Col. 10, lines 22-39; and Col. 12, lines 43-54). Jeffers teaches based on received messages associated with a program, such as a sports program, microcontroller 22 or "verifying means" compares the designation code or "broadcast territory" with the designation code or "user set territory" stored in memory 24 to first determine if the channel is set as a channel of reception and then compares the received blackout tier indication assigned to the selected channel to the blackout tier indication stored in memory 24. For example, in figure 1, tier S_4 comprises sports programming, however the programming on tier S_4 has been blacked out of the geographic area in which the subscriber unit is situated and therefore the decoder will not permit display of tier S_4 (Col. 8, lines 44-52).

Jeffers teaches output information controlling means (30 – figure 6) for controlling the information output for having the viewer recognize that, if the program selected by said selection means is verified as not being a program of a channel that is receivable, said program is not receivable (Col. 11, line 62 to Col. 12, line 54). Jeffers teaches if it is indicated that the program is to be displayed, video processing circuit 30 outputs the video to video control circuit 32 shown in figure 6, otherwise the signal is blacked out.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ellis to include verifying means for verifying whether a program selected is receivable and wherein the verifying means verifies the program selected by the user is receivable based on the broadcast territory, and output information controlling means for controlling the information output as taught by Jeffers

for the benefit of restricting the user's reception of certain programs and enabling

dynamic channel authorizations.

However, the combination of Ellis and Jeffers fail to specifically disclose wherein

the output information controlling mean generates a program table including selected

program data that is currently being transmitted; and display means for display the

program data that is currently being transmitted.

In an analogous art, Kahn discloses an information processing apparatus (38 –

figures 2-3) comprising:

selection means (41 - figure 2) for selecting a preset program based on said

electronic program guide controlled as to display be said electronic program guide

display controlling means (Col. 4, lines 56-65);

verifying means (42 – figure 3) for verifying whether or not said program selected

by said selecting means is a program of a channel that is receivable (Col. 5, line 46 to

Col. 6, line 17; Col. 7, line 61 to Col. 8, line 29);

output information controlling means (42 – figure 3) for controlling the information

output for having the viewer recognize that, if the program selected by said selection

means is verified as not being a program of a channel that is receivable, said program is

not receivable (Col. 4, line 66 to Col. 5, line 18; Col. 5, lines 36-42; and Col. 7, lines 42-

54),

wherein the output information controlling mean generates a program table (i.e.,

EPG shown in figure 6) including selected program data that is currently being

transmitted (i.e., IRD 38 develops the EPG from received EPG data packets via the

satellite link) (figure 6; Col. 7, lines 4-21);

display means (40 – figure 2) for displaying the program data (EPG - figure 6)

that is currently being transmitted on a portion of the display means such that the

portion of the display means displays titles of the programs aired at the current time and

numbers indicating the channel numbers on which the program are aired (i.e., the EPG

displays program information or "titles of programs" for a plurality of channels for a

certain period of time or "programs aired at the current time") (figure 6; Col. 7, lines 4-

34 and lines 42-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Ellis and Jeffers to include wherein the output

information controlling mean generates a program table including selected program

data that is currently being transmitted; and display means for display the program data

that is currently being transmitted as taught by Kahn for the benefit of restricting the

user's reception of certain programs and enabling dynamic channel authorizations.

As for Claim 3, Ellis, Jeffers, and Kahn disclose, in particular Ellis teaches

wherein said output information controlling means displays a background picture if the

program selected by said selection means is not receivable (Col. 10, lines 50-56

[Knudson – figure 27; ¶ 132]).

Regarding Claims 5 and 6, Ellis discloses an information processing method and recording medium having recorded therein a computer-readable program, comprising: an acquisition step of acquiring data of an electronic program guide (Col. 7, lines 50-55; Col. 11, lines 3-13).

Ellis further discloses an electronic program guide display controlling step of controlling the display of said electronic program guide based on data of said electronic program guide acquired by processing in said acquisition step (Col. 9, lines 18-23 & 40-46).

Ellis teaches a selection step of selecting a preset program based on said electronic program guide controlled as to-display by processing in said electronic program guide display controlling step (Col. 9, lines 56-66; Col. 10, lines 40-50; Col. 11, lines 19-25).

However, Ellis fails to disclose verifying means for verifying whether a program selected is receivable and wherein the verifying means verifies the program selected by the user is receivable based on the broadcast territory, and output information controlling means for controlling the information output.

In an analogous art, Jeffers discloses an information processing method and recording medium comprising: a verifying step for verifying whether or not said program selected by said selecting means is a program of a channel that is receivable (Col. 12, lines 11-54; Col. 7, lines 30-57). Jeffers teaches microcontroller verifies whether a channel selected is receivable by comparing the received blackout tier indication assigned to the selected program to the blackout tier indication stored in memory 24.

Jeffers teaches wherein the verifying whether or not said program selected by

said selection step is a program of a channel that is receivable (Col. 12, lines 11-54;

Col. 7, lines 30-57), comprises checking whether the selected channel is already set as

a channel of reception (i.e., the program's authorization code matches the authorization

code stored in memory 24; [Col. 9, lines 15-26; Col. 10, lines 40-46; and Col. 12, lines

11-54]) and then comparing a user set territory of residence (i.e., designation code

stored in memory 24) to a broadcast territory where the user is residing (i.e.,

designation code associated with the received channel) (Col. 7, lines 30-58), and then

verifying whether or not the selected channel is receivable based on the checking and

comparing steps (Col. 10, lines 22-39; and Col. 12, lines 43-54). Jeffers teaches based

on received messages associated with a program, such as a sports program,

microcontroller 22 or "verifying means" compares the designation code or "broadcast

territory" with the designation code or "user set territory" stored in memory 24 to first

determine if the channel is set as a channel of reception and then compares the

received blackout tier indication assigned to the selected channel to the blackout tier

indication stored in memory 24. For example, in figure 1, tier S_4 comprises sports

programming, however the programming on tier S_4 has been blacked out of the

geographic area in which the subscriber unit is situated and therefore the decoder will

not permit display of tier S_4 (Col. 8, lines 44-52).

Jeffers teaches an output information controlling step of controlling the

information output for having the viewer recognize that, if the program selected by

processing in said selection step is verified as not being a program of a channel that is

receivable, said program is not receivable (Col. 11, line 62 to Col. 12, line 54). Jeffers

teaches if it is indicated that the program is to be displayed, video processing circuit 30

outputs the video to video control circuit 32 shown in figure 6, otherwise the signal is

blacked out.

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Ellis to include verifying means for verifying

whether a program selected is receivable and wherein the verifying means verifies the

program selected by the user is receivable based on the broadcast territory, and output

information controlling means for controlling the information output as taught by Jeffers

for the benefit of restricting the user's reception of certain programs and enabling

dynamic channel authorizations.

However, the combination of Ellis and Jeffers fail to specifically disclose wherein

the output information controlling mean generates a program table including selected

program data that is currently being transmitted; and display means for display the

program data that is currently being transmitted.

In an analogous art, Kahn discloses an information processing apparatus method

and recording medium comprising:

a selection step of selecting a preset program based on said electronic program

guide controlled as to display by processing in said electronic program guide display

controlling step (Col. 4, lines 56-65);

a verifying step for verifying whether or not said program selected by said

selecting means is a program of a channel that is receivable (Col. 5, line 46 to Col. 6,

line 17; Col. 7, line 61 to Col. 8, line 29);

output information controlling step for controlling the information output for having

the viewer recognize that, if the program selected by said selection means is verified as

not being a program of a channel that is receivable, said program is not receivable (Col.

4, line 66 to Col. 5, line 18; Col. 5, lines 36-42; and Col. 7, lines 42-54),

wherein the output information controlling step generates a program table (i.e.,

EPG shown in figure 6) including selected program data that is currently being

transmitted (i.e., IRD 38 develops the EPG from received EPG data packets via the

satellite link) (figure 6; Col. 7, lines 4-21);

a display step for displaying the program data (EPG - figure 6) that is currently

being transmitted on a portion of a display unit (40 – figure 1) such that the portion of

the display unit displays titles of the programs aired at the current time and numbers

indicating the channel numbers on which the program are aired (i.e., the EPG displays

program information or "titles of programs" for a plurality of channels for a certain period

of time or "programs aired at the current time") (figure 6; Col. 7, lines 4-34 and lines 42-

54).

Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Ellis and Jeffers to include wherein the output

information controlling mean generates a program table including selected program

data that is currently being transmitted; and a display step for display the program data

that is currently being transmitted as taught by Kahn for the benefit of restricting the

user's reception of certain programs and enabling dynamic channel authorizations.

4.   Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Klosterman (USPN 6,072,983) [of record] in view of Jeffers.

Regarding Claim 7, Klosterman discloses an information processing apparatus

(figure 1B) comprising:

acquisition means (20 –figure 1B) for acquiring data of an electronic program

guide (Col. 5, lines 5-30);

first retrieval means (28 – figure 1B) for retrieving a program aired within a preset

time as from the current time, based on the electronic program guide data acquired by

said acquisition means (Col. 4, lines 55-65);

second retrieval means (36 - figure 1A) for retrieving the program aired at the

current time, from the electronic program guide data acquired by said acquisition means

(Col. 8, lines 26-43);

selection means (20 – figure 1B) for selecting one of retrieval by said first

retrieval means and retrieval by said second retrieval means (Col. 8, lines 44-60);

electronic program guide display controlling means (20 – figure 1B) for controlling

the display of said electronic program guide based on retrieved results by said first

retrieval means as selected by said selection means (Col. 7, lines 5-9 & 43-48);

wherein the electronic program guide display controlling means [20] further:

generates a program table (50 - figure 3) including selected program data

that is currently being transmitted (i.e., channels that are available among the

connected inputs) (Col. 7, lines 1-9, Col. 4, line 55 to Col. 5, line 4);

displays the program data that is currently being transmitted on a portion

of a display unit (22 – figure 1B) such that the portion of the display unit displays titles of

the programs (60 – figure 3) aired at the current time (56 – figure 3) and numbers (52 –

figure 3) indicating the channel numbers on which the programs are aired (Col. 7, lines

5-15).

Klosterman however fails to disclose wherein the selection means verifies that

the program selected by user may be received in the broadcast territory.

In an analogous art, Jeffers discloses an information processing apparatus

(figure 6) comprising:

wherein the selection means verifies whether or not said program selected by

said selecting means is a program of a channel that is receivable (Col. 12, lines 11-54;

Col. 7, lines 30-57), by checking whether the selected channel is already set as a

channel of reception (i.e., the program's authorization code matches the authorization

code stored in memory 24; [Col. 9, lines 15-26; Col. 10, lines 40-46; and Col. 12, lines

11-54]) and then comparing a user set territory of residence (i.e., designation code

stored in memory 24) to a broadcast territory where the user is residing (i.e.,

designation code associated with the received channel) (Col. 7, lines 30-58), and then

verifying whether or not the selected channel is receivable based on the checking and

comparing steps (Col. 10, lines 22-39; and Col. 12, lines 43-54). Jeffers teaches based

on received messages associated with a program, such as a sports program,

microcontroller 22 or "verifying means" compares the designation code or "broadcast

territory" with the designation code or "user set territory" stored in memory 24 to first

determine if the channel is set as a channel of reception and then compares the

received blackout tier indication assigned to the selected channel to the blackout tier

indication stored in memory 24. For example, in figure 1, tier S_4 comprises sports

programming, however the programming on tier S_4 has been blacked out of the

geographic area in which the subscriber unit is situated and therefore the decoder will

not permit display of tier S_4 (Col. 8, lines 44-52).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Klosterman to include selection means to verify

the program selected by a user is receivable based on the broadcast territory as taught

by Jeffers for the benefit of restricting the user's reception of certain programs and

enabling dynamic channel authorizations.

As for Claim 8, Klosterman and Jeffers disclose, in particular Klosterman teaches

designating means (32 – figure 1B) for designating a program to be received (scroll on

screen cursor using remote to a desired show) based on said electronic program guide

controlled as to display (after selecting desired show, strike the "enter" key) by said

electronic program guide display controlling means (Col. 8, lines 5-11 & 25-32).

Regarding Claims 9 and 10, Klosterman discloses an information processing method and recording medium having recorded thereon a computer-readable program, comprising:

an acquisition step for acquiring data of an electronic program guide (Col. 5, lines 5-30)

a first retrieval step of retrieving a program aired within a preset time as from the current time, based on the electronic program guide data acquired by processing in said acquisition means (Col. 4, lines 55-65)

a second retrieval step of retrieving the program aired at the current time, from the electronic program guide data acquired by processing in said acquisition step (Col. 8, lines 26-43)

a selection step of selecting one of retrieval by processing in said first retrieval step and retrieval by processing in said second retrieval step (Col. 8, lines 44-60).

an electronic program guide display controlling step of:

controlling the display of said electronic program guide based on retrieved results by processing in said first retrieval step as selected by processing in said selection step (Col. 7, lines 5-9 & 43-48),

generates a program table (50 - figure 3) including selected program data that is currently being transmitted (i.e., channels that are available among the connected inputs) (Col. 7, lines 1-9, Col. 4, line 55 to Col. 5, line 4);

displays the program data that is currently being transmitted on a portion of a display unit (22 – figure 1B) such that the portion of the display unit displays titles of

the programs (60 – figure 3) aired at the current time (56 – figure 3) and numbers (52 –

figure 3) indicating the channel numbers on which the programs are aired (Col. 7, lines

5-15).

Klosterman however fails to disclose wherein the selection step verifies that the

program selected by user may be received in the broadcast territory.

In an analogous art, Jeffers discloses an information processing method and

recording medium comprising: wherein the selection step verifies whether or not said

program selected by said selection step is a program of a channel that is receivable

(Col. 12, lines 11-54; Col. 7, lines 30-57), by checking whether the selected channel is

already set as a channel of reception (i.e., the program's authorization code matches

the authorization code stored in memory 24; [Col. 9, lines 15-26; Col. 10, lines 40-46;

and Col. 12, lines 11-54]) and then comparing a user set territory of residence (i.e.,

designation code stored in memory 24) to a broadcast territory where the user is

residing (i.e., designation code associated with the received channel) (Col. 7, lines 30-

58), and then verifying whether or not the selected channel is receivable based on the

checking and comparing steps (Col. 10, lines 22-39; and Col. 12, lines 43-54). Jeffers

teaches based on received messages associated with a program, such as a sports

program, microcontroller 22 or "verifying means" compares the designation code or

"broadcast territory" with the designation code or "user set territory" stored in memory

24 to first determine if the channel is set as a channel of reception and then compares

the received blackout tier indication assigned to the selected channel to the blackout tier

indication stored in memory 24. For example, in figure 1, tier S_4 comprises sports

programming, however the programming on tier S_4 has been blacked out of the

geographic area in which the subscriber unit is situated and therefore the decoder will

not permit display of tier S_4 (Col. 8, lines 44-52).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Klosterman to include a selection step to verify

the program selected by a user is receivable based on the broadcast territory as taught

by Jeffers for the benefit of restricting the user's reception of certain programs and

enabling dynamic channel authorizations.

5.   Claims 15, 16, 18, and 19 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Klosterman et al. "Klosterman" (USPN 5,940,073) [of record] in view

of Jeffers.

Regarding Claim 15, Klosterman discloses an information processing apparatus

(118 – figure 1) comprising:

web information acquisition means for acquiring data of the web information (Col.

4, lines 45-67; Col. 9, lines 19-30);

program information acquisition (138 – figure 1) means for acquiring data of the

program information being television broadcast (Col. 4, lines 37-67);

information display controlling means for controlling simultaneous display (figure

6d) of said web information (680 – figure 6d) and the program information (688 – figure

6d) based on the data of the web information acquired by said web information

acquisition means and the data of the program information acquired by said program

information acquisition means (figure 6d) (Col. 9, lines 35-67).

changing means for changing said program information to be acquired, in a state

in which said web information and the program information are displayed

simultaneously (Col. 9, lines 54-67),

generating means (1205 – figure 12) for generating a program table (300 - figure

3(a)) including selected program data that is currently being transmitted (see figures

3(a) and 12; Col. 12, lines 52-65 and Col. 4, lines 50-67);

display means (1215 – figure 12) for displaying the program data that is currently

being transmitted on a portion of the display means such that the portion of the display

means displays titles of the programs aired (320 – figure 3(a)) at the current time (i.e.,

8:00 PM) and numbers indicating the channel numbers on which the programs are aired

(figure 3(a); Col. 7, lines 54-67 and Col. 12, lines 52-65).

Klosterman however fails to disclose wherein the acquisition verifies that the

program selected by user may be received in the broadcast territory.

In an analogous art, Jeffers discloses an information processing apparatus

(figure 6) comprising: wherein the acquisition means (decoder B – figure 6) verifies

whether or not said program information (i.e., the codes associated with the program

that indicates whether the program should be blacked out or not by the receiver) is a

program of a channel that is receivable (Col. 12, lines 11-54; Col. 7, lines 30-57), by

checking whether a selected channel is already set as a channel of reception (i.e., the

program's authorization code matches the authorization code stored in memory 24;

[Col. 9, lines 15-26; Col. 10, lines 40-46; and Col. 12, lines 11-54]) and then comparing

a user set territory of residence (i.e., designation code stored in memory 24) to a

broadcast territory where the user is residing (i.e., designation code associated with the

received channel) (Col. 7, lines 30-58), and then verifying whether or not the selected

channel is receivable based on the checking and comparing steps (Col. 10, lines 22-39;

and Col. 12, lines 43-54). Jeffers teaches based on received messages associated with

a program, such as a sports program, microcontroller 22 or "verifying means" compares

the designation code or "broadcast territory" with the designation code or "user set

territory" stored in memory 24 to first determine if the channel is set as a channel of

reception and then compares the received blackout tier indication assigned to the

selected channel to the blackout tier indication stored in memory 24. For example, in

figure 1, tier S_4 comprises sports programming, however the programming on tier S_4

has been blacked out of the geographic area in which the subscriber unit is situated and

therefore the decoder will not permit display of tier S_4 (Col. 8, lines 44-52).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Klosterman to include an acquisition means to

verify a program selected by a user is receivable based on the broadcast territory as

taught by Jeffers for the benefit of restricting the user's reception of certain programs

and enabling dynamic channel authorizations.

As for Claim 16, Klosterman and Jeffers disclose, in particular Klosterman teaches wherein said changing means changes a broadcasting channel being received as said program information (Col. 10, lines 9-14).

Regarding Claims 18 and 19, Klosterman discloses an information processing method and recording medium having recorded thereon a computer-readable program, comprising:

a web information acquisition step for acquiring data of the web information (Col. 4, lines 45-67; Col. 9, lines 19-30);

a program information acquisition (138 – figure 1) step for acquiring data of the program information being television broadcast (Col. 4, lines 37-67);

an information display controlling step for controlling simultaneous display (figure 6d) of said web information (680 – figure 6d) and the program information (688 – figure 6d) based on the data of the web information acquired by said web information acquisition step and the data of the program information acquired by said program information acquisition step (figure 6d) (Col. 9, lines 35-67);

a changing step for changing said program information to be acquired, in a state in which said web information and the program information are displayed simultaneously (Col. 9, lines 54-67),

generating means (1205 – figure 12) for generating a program table (300 - figure 3(a)) including selected program data that is currently being transmitted (see figures 3(a) and 12; Col. 12, lines 52-65 and Col. 4, lines 50-67);

display means (1215 – figure 12) for displaying the program data that is currently

being transmitted on a portion of the display means such that the portion of the display

means displays titles of the programs aired (320 – figure 3(a)) at the current time (i.e.,

8:00 PM) and numbers indicating the channel numbers on which the programs are aired

(figure 3(a); Col. 7, lines 54-67 and Col. 12, lines 52-65).

Klosterman however fails to disclose wherein the acquisition verifies that the

program selected by user may be received in the broadcast territory.

In an analogous art, Jeffers discloses an information processing method and

recording medium comprising: wherein the program acquisition step verifies whether or

not a selected program is a program of a channel that is receivable (Col. 12, lines 11-

54; Col. 7, lines 30-57), by checking whether a selected channel is already set as a

channel of reception (i.e., the program's authorization code matches the authorization

code stored in memory 24; [Col. 9, lines 15-26; Col. 10, lines 40-46; and Col. 12, lines

11-54]) and then comparing a user set territory of residence (i.e., designation code

stored in memory 24) to a broadcast territory where the user is residing (i.e.,

designation code associated with the received channel) (Col. 7, lines 30-58), and then

verifying whether or not the selected channel is receivable based on the checking and

comparing steps (Col. 10, lines 22-39; and Col. 12, lines 43-54). Jeffers teaches based

on received messages associated with a program, such as a sports program,

microcontroller 22 or "verifying means" compares the designation code or "broadcast

territory" with the designation code or "user set territory" stored in memory 24 to first

determine if the channel is set as a channel of reception and then compares the

received blackout tier indication assigned to the selected channel to the blackout tier

indication stored in memory 24. For example, in figure 1, tier S_4 comprises sports

programming, however the programming on tier S_4 has been blacked out of the

geographic area in which the subscriber unit is situated and therefore the decoder will

not permit display of tier S_4 (Col. 8, lines 44-52).

Accordingly, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Klosterman to include a program acquisition step

to verify a program selected by a user is receivable based on the broadcast territory as

taught by Jeffers for the benefit of restricting the user's reception of certain programs

and enabling dynamic channel authorizations.

6.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Klosterman in view of Jeffers as applied to claim 15 above, and further in view of

Klosterman "Klosterman '983" (USPN 6,072,983) [of record].

As for Claim 17, Klosterman and Jeffers fail to disclose the information

processing apparatus according to claim 15 wherein said changing means erases a

broadcasting channel being received as said program information.

In an analogous art, Klosterman '983 teaches wherein said changing means

erases a broadcasting channel being received as said program information (Col. 7, lines

25-34). Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Klosterman and Jeffers to include changing

means erases a broadcasting channel being received as said program information as

taught by Klosterman '983 for the benefit of removing duplicate channel listings from the

electronic program guide so as to provide a more consolidated guide for the user.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CHRIS PARRY whose telephone number is (571) 272-

8328. The examiner can normally be reached on Monday through Friday, 8:00 AM EST

to 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

                                                    CHRIS PARRY
                                                    Examiner
                                                    Art Unit 2623

/C. P./
Examiner, Art Unit 2623

/Hunter B. Lonsberry/

Primary Examiner, Art Unit 2623